

DRAFT

MINUTES OF THE CITY COUNCIL OF THE CITY OF GREENSBORO, N. C.

REGULAR MEETING:

7 MAY 2002

The City Council of the City of Greensboro met in regular session at 6:00 p.m. on the above date in the Council Chamber of the Melvin Municipal Office Building with the following members present: Mayor Keith A. Holliday, presiding; Councilmembers Claudette Burroughs-White, Sandra G. Carmany, Florence F. Gatten, Belvin J. Jessup, Yvonne J. Johnson, Robert V. Perkins, and Thomas M. Phillips. Absent: Councilmember Donald R. Vaughan, excused by action of Council. Also present were J. Edward Kitchen, City Manager; Linda A. Miles, City Attorney; and Juanita F. Cooper, City Clerk.

The meeting was opened with a moment of silence and the Pledge of Allegiance to the Flag.

.....

The Manager recognized Norita Speaks, employee in the Organizational Development and Communications Department, who served as courier for the meeting.

.....

The Mayor explained the Council procedure for conduct of the meeting.

.....

Councilmember Johnson recognized members of Girl Scout Troop #160 who were present at the meeting to fulfill badge requirements. The Troop presented each member of Council with a box of Girl Scout cookies.

Mayor Holliday recognized members of Boy Scout Troop #216 who were also present at this meeting to fulfill merit badge requirements.

.....

Councilmember Carmany moved that Councilmember Vaughan be excused from attendance at this meeting. The motion was seconded by Councilmember Johnson and adopted unanimously by voice vote of Council.

.....

Providing an update on Greensboro's water supply, Allan Williams, Water Resources Department Director provided statistical information related to the current water situation; detailed the status of Greensboro's lakes; provided information with regard to the City's water purchases from Reidsville, Winston-Salem and High Point and noted the positive impact these purchases had on Greensboro's lake levels; reviewed the mandatory restrictions currently in place for Greensboro's water users; noted the positive impact the ongoing conservation efforts had on water consumption; and spoke to the possibility that additional restrictions could be implemented if Greensboro did not receive sufficient rainfall. Mr. Williams commended citizens for their participation in water conservation efforts and encouraged continued conservation efforts to protect this valuable resource.

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at 5234 Hilltop Road—6.80 acres. He thereupon introduced so the items could be discussed together, an ordinance establishing original zoning classification from County Zoning

RS-40 Residential Single Family to City Zoning RM-12 Residential Multifamily for property located on the north side of Hilltop Road between Adams Farm Parkway and Hilltop Trail.

C. Thomas Martin, Planning Department Director, used a map and slides to illustrate the property proposed for annexation and the surrounding area. He stated that the Planning Board, Zoning Commission and Planning Department staff supported the annexation and original zoning.

Mayor Holliday asked if anyone wished to be heard.

Reyad Sawafta, residing at 5506 Gate Post Court, spoke briefly to his plans to develop this property and requested Council to approve the annexation and original zoning.

Councilmember Phillips moved to close the public hearing for both items. The motion was seconded by Councilmember Johnson and adopted by unanimous voice vote of Council.

Mr. Martin provided the following staff recommendation:

Item 7 – Hilltop Road (RM-12)

The Planning Department recommends that this original zoning request be approved.

The RM-12 classification is consistent with existing zoning to the east and north of the subject property.

While properties on the east and west sides contain churches, the density of this request is compatible with the Bridford Lake Apartments to the north.

The Planning Board has unanimously recommended this, as well as the following, annexation.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits-located at 5234 Hilltop Road—6.80 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

02-84 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5234 HILLTOP ROAD – 6.80 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of February 28, 2002), said point being within the right-of-way of Hilltop Road and lying N 01° 18' 03" E 11.94 feet from a north corner of Adams Farm – Tract "R", as recorded in Plat Book 94, Page 126 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 01° 18' 03" E approximately 60 feet, crossing Hilltop Road, to a point in its north right-of-way line; thence in an easterly direction along said north right-of-way line approximately 800 feet to the southwest corner of Property of Betty A. Glass, as recorded in Plat Book 60, Page 43 in the Office of the Register of Deeds; thence N 04° 43' 30" E 701.88 feet along the west line of Glass to the northwest corner of Glass, said corner being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: S 84° 58' 45" E 252.78 feet to a point, S 00° 26' 20" W 204.38 feet to a point, S 12° 26' 40" E 74.71 feet to a point, S 45° 54' 40" E 55.30 feet to a point, S 05° 22' 30" E 89.37 feet to a point, S 23° 40' 45" E 72.34 feet to a point, S 58° 55' 40" W 20.66 feet to a point, S 20° 21' 30" E 34.26 feet to a point, S 05° 36' 40" W 44.74 feet to a point, S 27° 46' 15" E 53.74 feet to a point, S 02° 41' 40" E 75.75 feet to a point in the north right-of-way line of Hilltop Road; thence continuing with the existing city limits in a southerly direction approximately 60 feet to a point within the right-of-way of Hilltop Road and then in a westerly direction approximately 1,200 feet to the point and place of BEGINNING, and containing approximately 6.80 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2002.

(Signed) Yvonne J. Johnson

.....

Councilmember Phillips moved adoption of the ordinance establishing original zoning classification from County Zoning RS-40 Residential Single Family to City Zoning RM-12 Residential Multifamily for property located on the north side of Hilltop Road between Adams Farm Parkway and Hilltop Trail. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

02-85 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF HILLTOP ROAD BETWEEN ADAMS FARM PARKWAY AND HILLTOP TRAIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning RS-40 Residential Single Family to City Zoning RM-12 Residential Multifamily uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of February 28, 2002), said point being within the right-of-way of Hilltop Road and being S 04° 43' 30" W approximately 60 feet from the southwest corner of Property of Betty A. Glass, as recorded in Plat Book 60, Page 43 in the Office of the Register of Deeds of Guilford County; THENCE DEPARTING FROM THE EXISTING CITY LIMITS N 04° 43' 30" E approximately 60 feet, crossing Hilltop Road, to a point in its north right-of-way line; thence N 04° 43' 30" E 701.88 feet along the west line of Glass to the northwest corner of Glass, said corner being in the existing Greensboro city limits; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS the following courses and distances: S 84° 58' 45" E 252.78 feet to a point, S 00° 26' 20" W 204.38 feet to a point, S 12° 26' 40" E 74.71 feet to a point, S 45° 54' 40" E 55.30 feet to a point, S 05° 22' 30" E 89.37 feet to a point, S 23° 40' 45" E 72.34 feet to a point, S 58° 55' 40" W 20.66 feet to a point, S 20° 21' 30" E 34.26 feet to a point, S 05° 36' 40" W 44.74 feet to a point, S 27° 46' 15" E 53.74 feet to a point, S 02° 41' 40" E 75.75 feet to a point in the north right-of-way line of Hilltop Road; thence continuing with the existing city limits in a southerly direction approximately 60 feet to a point within the right-of-way of Hilltop Road and then in a westerly direction approximately 420 feet to the point and place of BEGINNING, and containing approximately 5.72 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Thomas M. Phillips

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider an ordinance annexing territory to the corporate limits—located at 5250 Hilltop Road—17.008 acres. He thereupon introduced so these matters could be discussed together, an ordinance establishing original zoning classification from County Zoning Public and Institutional to City Zoning RS-12 Residential Single Family for property located on the north side of Hilltop Road between Alfred Drive and Adams Farm Parkway.

Mr. Martin used a map and slides to illustrate the property proposed for annexation and the surrounding area. He stated that the Planning Board, Zoning Commission and Planning Department staff supported the annexation and original zoning.

The Mayor asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Phillips moved to close the public hearing on both items. The motion was seconded by Councilmember Perkins and adopted unanimously by voice vote of Council.

Mr. Martin provided the following staff presentation:

Item 9 – Hilltop Road (RS-12)

The Planning Department recommends that this original zoning request be approved.

RS-12 is a better classification than PI since this area is essentially residential in character and in zoning pattern.

The RS-12 designation permits churches and all accessory uses that such a principal use would customarily have.

In this respect, this proposal is similar to the RS-12 zoning that was recommended by the Zoning Commission in March and approved by City Council on April 2nd for the Love and Faith Christian Fellowship Church on Blackberry Road.

Gate City Baptist Church is already connected to City water and sewer lines and provision of all other City services should be a routine matter.

Councilmember Johnson moved adoption of the ordinance annexing territory to the corporate limits—located at 5250 Hilltop Road—17.008 acres. The motion was seconded by Councilmember Phillips; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

02-86 AN ORDINANCE ANNEXING TERRITORY TO THE CORPORATE LIMITS (LOCATED AT 5250 HILLTOP ROAD – 17.008 ACRES)

Section 1. Pursuant to G.S. 160A-31, the hereinafter described territory is hereby annexed to City of Greensboro:

BEGINNING at a point in the existing Greensboro corporate limits (as of February 28, 2002), said point being the southeast corner of Lot 14 of Wedgewood Acres, as recorded in Plat Book 30, Page 77 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 85° 06' 00" E 397.94 feet to an iron pipe at the northwest corner of Property of Betty A. Glass, as recorded in Plat Book 60, Page 43 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 04° 43' 30" W 701.88 feet along the west line of Glass to the southwest corner of Glass, a point in the north right-

of-way line of Hilltop Road; thence in an westerly direction along said north right-of-way line approximately 1,000 feet to I. Clellie Glass' new southeast corner; thence along Glass' new eastern boundary N 04° 28' 51" E 705.74 feet to a point; thence S 85° 31' 09" E 122.82 feet to a point in the western boundary of the Gate City Baptist Church property acquired by deed recorded in Deed Book 2793, Page 583 in the Office of the Register of Deeds; thence N 04° 28' 51" E 167.43 feet to an iron pipe in the southern boundary of Lot 13 of Wedgewood Acres; thence with the southern line of said Lot 13 and Lot 14 of Wedgewood Acres S 85° 06' 00" E 415.06 feet to the point and place of BEGINNING, and containing approximately 17.01 acres.

Section 2. The owner agrees to pay to the City of Greensboro an acreage fee of two hundred dollars (\$200.00) per acre for water service and two hundred dollars (\$200.00) per acre for sewer service immediately prior to the time of annexation. Any utility line assessments which may have been levied by the County shall be collected either by voluntary payment or through foreclosure of same by the City. Following annexation, the property annexed shall receive the same status regarding charges and rates as any other property located inside the corporate limits of the City of Greensboro.

Section 3. The owner shall be fully responsible for extending water and sewer service to the property at said owner's expense.

Section 4. From and after the effective date of annexation, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force within the City and shall be entitled to the same privileges and benefits thereof, subject to the provisions in Sections 2 and 3 above.

Section 5. From and after July 31, 2002, the liability for municipal taxes for the 2002-2003 fiscal year shall be prorated on the basis of 11/12 of the total amount of taxes that would be due for the entire fiscal year. The due date for prorated municipal taxes shall be September 1, 2002. Municipal ad valorem taxes for the 2003-2004 fiscal year and thereafter shall be due annually on the same basis as any other property within the city limits.

Section 6. That this ordinance shall become effective on and after July 31, 2002.

(Signed) Yvonne J. Johnson

.....

Councilmember Burroughs-White moved adoption of the ordinance establishing original zoning classification from County Zoning Public and Institutional to City Zoning RS-12 Residential Single Family for property located on the north side of Hilltop Road between Alfred Drive and Adams Farm Parkway. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

02-87 AMENDING OFFICIAL ZONING MAP

NORTH SIDE OF HILLTOP ROAD BETWEEN ALFRED DRIVE AND ADAMS FARM PARKWAY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. The Official Zoning Map is hereby amended by establishing original zoning from County Zoning Public and Institutional to City Zoning RS-12 Residential Single Family uses for the area described as follows:

BEGINNING at a point in the existing Greensboro corporate limits (as of February 28, 2002), said point being the southeast corner of Lot 14 of Wedgewood Acres, as recorded in Plat Book 30, Page 77 in the Office of the Register of Deeds of Guilford County; THENCE PROCEEDING WITH THE EXISTING CITY LIMITS S 85° 06' 00" E 397.94 feet to an iron pipe at the northwest corner of Property of Betty A. Glass, as recorded in Plat Book 60, Page 43 in the Office of the Register of Deeds; THENCE DEPARTING FROM THE EXISTING CITY LIMITS S 04° 43' 30" W 701.88 feet along the west line of Glass to the southwest corner of Glass, a point in the north right-of-way line of Hilltop Road; thence in an westerly direction along said north right-of-way line approximately 1,000 feet to I. Clellie Glass' new southeast corner; thence along Glass' new eastern boundary N 04° 28' 51" E 705.74 feet

to a point; thence S 85° 31' 09" E 122.82 feet to a point in the western boundary of the Gate City Baptist Church property acquired by deed recorded in Deed Book 2793, Page 583 in the Office of the Register of Deeds; thence N 04° 28' 51" E 167.43 feet to an iron pipe in the southern boundary of Lot 13 of Wedgewood Acres; thence with the southern line of said Lot 13 and Lot 14 of Wedgewood Acres S 85° 06' 00" E 415.06 feet to the point and place of BEGINNING, and containing approximately 17.01 acres.

Section 2. This ordinance shall be effective upon the date of annexation.

(Signed) Claudette Burroughs-White

.....

The Mayor stated that this was the time and place set for a public hearing on the proposed annexation agreement between the Cities of Burlington and Greensboro and resolution authorizing joint annexation agreement between City of Greensboro and City of Burlington. He also introduced so these matters could be discussed together, a Resolution approving Water and Sewer Agreement with the City of Burlington.

Noting this was an historic night for Greensboro, the City Manager detailed the negotiations between the two Cities that had resulted in the two agreements being offered for Council's approval. Speaking to the excellent working relationship which now existed between Greensboro and Burlington, City Manager Kitchen commended Burlington City Manager Buddy Baker and his staff and Greensboro City staff members their hard work in developing the two agreements which would serve the best interest of both municipalities.

Using a map for illustrative purposes, the Manager detailed the joint annexation agreement that would establish a common boundary line to serve the best interest of both municipalities. He advised that this agreement boundary would clearly define where both municipalities could and could not annex territory and would provide Greensboro and Burlington the opportunity for more rational planning for development as their municipal boundaries continued to grow and develop, particularly along the I-40 corridor.

The City Manager spoke to the foresight of Greensboro officials in initiating the Reidsville water line and in the purchase of water from other municipalities; he reiterated the importance of continuing to plan for our City's future needs. He reviewed details of the proposed water and sewer agreement that would provide an additional source of water for Greensboro by allowing the future purchase of 2-5 million gallons of water per day from Burlington and would serve Burlington by allowing the municipality to tap into Greensboro's sewer lines. The Manager reiterated that this was a most significant accomplishment for Greensboro and Burlington and would greatly benefit both municipalities.

At the request of Council, the Manager and Mr. Martin explained the process used to identify the proposed annexation boundary line. Council commended the Manager and City Staff for their excellent work with Burlington staff to bring these agreements to fruition.

Mayor Holliday asked if anyone wished to be heard.

There being no one present desiring to speak to this matter, Councilmember Johnson moved to close the public hearing. The motion was seconded by Councilmember Perkins; no vote was taken on the motion.

Councilmember Johnson moved adoption of a resolution authorizing joint annexation agreement between City of Greensboro and City of Burlington. The motion was seconded by Councilmember Phillips; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

88-02 RESOLUTION AUTHORIZING JOINT ANNEXATION AGREEMENT BETWEEN CITY OF GREENSBORO AND CITY OF BURLINGTON

WHEREAS, Chapter 1009 of the 1987 Session Laws of North Carolina General Assembly authorizes municipalities located in Guilford County to enter into an agreement establishing a common boundary line and designating areas which are not subject to annexation by the participating municipalities;

WHEREAS, after study and negotiations between officials of Greensboro and Burlington, a common boundary line has been appropriately established to serve the best interest of both municipalities;

WHEREAS, pursuant to public hearings held on May 7, 2002 and after due consideration of the proceedings, it is deemed in the best interest of the City to authorize a joint annexation agreement between the City of Greensboro and the City of Burlington, with said agreement being for a term of thirty (30) years and being presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the joint annexation agreement between the City of Greensboro and the City of Burlington which is presented herewith this day is hereby approved, and the Mayor and the City Clerk are hereby authorized to execute said agreement on behalf of the City of Greensboro.

(Signed) Yvonne J. Johnson

.....

Councilmember Carmany moved adoption of the resolution approving water and sewer agreement with the City of Burlington. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

89-02 RESOLUTION APPROVING WATER AND SEWER AGREEMENT WITH THE CITY OF BURLINGTON

WHEREAS, there is a necessity for the City of Greensboro to address its growing demand for additional water supply until Randleman Dam comes online in the next 3 to 4 years in order to avoid a severe water shortage during that time;

WHEREAS, the City of Greensboro wishes to enter into an Agreement with the City of Burlington for the purchase of an additional supply of treated water beginning in July 2004 and continuing until July 1, 2013 with an option to renegotiate to continue if mutually desirable;

WHEREAS, the City of Burlington will pay to extend their line to our system near the annexation line and will install and maintain the meter;

WHEREAS, the City of Greensboro agrees to purchase a minimum additional annual average daily volume of 2.0 million gallons of treated water from the City of Burlington and the City of Burlington agrees to make available an annual average daily volume of 5 million gallons of treated water by the year 2005 at the "inside" Burlington rate;

WHEREAS, the City of Greensboro agrees to pay for any improvements made to our system and agrees to purchase a small portion of the utility system on the Burlington side at fair market value to be determined by appraisal;

WHEREAS, the City of Greensboro agrees to reserve no less than one million gallons a day of wastewater capacity within its wastewater system for the acceptance on Burlington's side of the annexation line of agreement which may be eliminated with three years notice after the year 2010;

WHEREAS, the City of Burlington agrees to pay the City of Greensboro for services outside Burlington city limits at Greensboro's "outside" rates, and for those services inside Burlington city limits at Greensboro's "inside" rate.

WHEREAS, a Water and Sewer Agreement will benefit both municipalities as it will allow new development along the US 70 corridor connecting both cities;

WHEREAS, it is deemed in the best interest of the City to enter into a Water and Sewer Agreement with the City of Burlington in accordance with the terms and conditions therein and such Agreement is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

THAT a mutual Agreement with the City of Burlington for water and sewer for a period of 10 years, is hereby approved pursuant to the authority of N.C.G.S. Statute 160A-274 and the City Manager is hereby authorized to execute said Agreement on behalf of the City.

(Signed) Sandy Carmany

.....

Mayor Holliday stated that this was the time and place set for a public hearing to consider a resolution authorizing the submission of a One-Year Action Plan for Home Consortium Funds and the Conduct of Home Consortium Activities for the 2002-2003 Fiscal Year. He thereupon introduced so these matters could be discussed together, a resolution authorizing the submission of a One-Year Action Plan for Community Development Block Grant (CDBG) Funding for the 2002-2003 Fiscal Year, and a resolution authorizing the submission of a One-Year Action Plan for Housing Opportunities for Persons with Aids (HOPWA) Program Funds and the Conduct of HOPWA Program Activities for the 2002-2003 Fiscal Year.

Bill Burckley, Chairperson of the Community Resource Board (CRB), spoke to the work of the Board, detailed the process used by the Board to establish priorities and formulate funding recommendations for Council, expressed appreciation to everyone who participated in this process, and requested Council to approve the resolutions.

Andy Scott, Housing and Community Development Department Director, stated that at this time, Council was being asked to authorize the submission of three applications to the Federal Government. He advised that after the applications were approved and submitted, it would still be possible for Council to make changes and amend the Community Development Block Grant (CDBG) Funding Plan.

Using a slide presentation, Dan Curry, Housing and Community Development Department, provided an overview of the Housing and Community Development Plan and noted that this was the third year of the 2000-2004 strategic plan. Mr. Curry also spoke to funding sources and proposed use of funds; affordable housing accomplishments, projects, and proposed budget; neighborhood development accomplishments, proposed budget and activities; economic development initiatives, proposed budget and activities; urban renewal areas, completed and active target areas and historic districts. Mr. Curry continued with details about the Southside revitalization, MLK, Jr. Streetscape, Ole Asheboro historic house renovations, Eastside Park Community Center, human service grants and activities, performance measures workshops, HOME consortium and HOPWA program funding. (A copy of information presented by the Housing and Community Development Department is filed in Exhibit Drawer N, Exhibit Number 36, which is hereby referred to and made a part of these minutes.)

Mayor Holliday asked if anyone wished to be heard.

Bill Waller, residing at 4540 Peeples Road, Oak Ridge, NC, presented to Council packets of information with regard to the *Share of North Carolina* program.

Beth McKee-Huger, residing at 408 Woodlawn Avenue, spoke to the work of the CRB to prioritize funding requests and make appropriate recommendations to Council. She urged Council to allocate the recommended funding for homeless prevention and to make sure housing was affordable to the low income population.

.....

Councilmember Phillips moved to close the public hearing on items 12, 13 and 14. The motion was seconded by Councilmember Gatten and adopted unanimously by voice vote of Council.

.....

Councilmember Gatten moved that Council amend item #13, the application of the One-Year Action Plan for CDBG funding for the 2002-2003 Fiscal Year as follows: That the \$250,000 now designated for land acquisition to promote economic development in the East Market Street Corridor be moved to an undesignated line item for unspecified economic development. The motion was seconded by Councilmember Phillips. She explained that the specific details of land to be acquired by the applicant were yet to be resolved, including: evidence of contractual control of the property, evidence of collaboration with other agencies in this effort, possible environmental problems and project timeline. Councilmember Gatten stated she believed it was important to note that the \$250,000 grant under consideration was the largest of the CDBG allocations and that the CRB needed to reconsider its recommendation to City Council. She stated that the CRB could reconsider its recommendation at the regular May 16 meeting and look at whether funding should be allocated to other agencies that had applied; she also noted that this would also allow the applicant, Project Homestead, to address some of the issues unresolved as of this date.

Mr. Burckley spoke briefly to the large number of requests the CRB had reviewed to determine funding recommendations for the \$490,000.

After Council discussed various opinions with regard to the proposed amendment; i.e., timeline, desire designate the \$250,000 for economic development, the amount of flexibility permitted in the funding applications to the Federal Government, etc., Councilmember Gatten's motion was adopted unanimously by voice vote of Council.

Councilmember Gatten moved adoption of the resolution authorizing the submission of a One-Year Action Plan for Home Consortium Funds and the Conduct of Home Consortium Activities for the 2002-2003 Fiscal Year. The motion was seconded by Councilmember Perkins; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Phillips. Noes: None.

90-02 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOME CONSORTIUM FUNDS AND THE CONDUCT OF HOME CONSORTIUM ACTIVITIES FOR THE 2002-2003 FISCAL YEAR

WHEREAS, under the Cranston-Gonzalez National Affordable Housing Act of 1990, the Secretary of the Department of Housing and Urban Development is authorized to make HOME Program grants for the conduct of HOME Programs; and

WHEREAS, the City of Greensboro, Guilford County, the City of High Point, the City of Burlington, and Alamance County have formed a Housing Consortium to receive HOME funding; and

WHEREAS, the City of Greensboro, as Lead Entity for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium, is responsible for submitting all Federal applications and reports; and

WHEREAS, each Consortium member developed their HOME program and conducted their own citizen participation process; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 2002-2003 Fiscal Year for the Consortium; and

WHEREAS, it is understood that acceptance of a HOME Program Grant obligates the City of Greensboro to conduct and administer HOME Program activities in accordance with the requirements of the Cranston-Gonzales National Affordable Housing Act of 1990, as amended, applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the submission of a consolidated application for the Greensboro/Guilford/ High Point/Burlington/Alamance Housing Consortium HOME funding in the amount of \$1,941,000 is hereby authorized and approved.
2. That the One Year Action Plan for the Consortium is hereby approved.
3. That the City of Greensboro and each member jurisdiction will provide any required local match from non-federal funds.
4. That the conduct of HOME Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
5. That the City of Greensboro and each member of the Consortium is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOME Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
6. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
7. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOME Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Florence F. Gatten

.....

Councilmember Phillips moved adoption of a resolution authorizing the submission of a One-Year Action Plan for Community Development Block Grant (CDBG) funding for the 2002-2003 Fiscal Year, as amended earlier in the meeting. The motion was seconded by Councilmember Johnson; the amended resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

91-02 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING FOR THE 2002-2003 FISCAL YEAR

WHEREAS, the Department of Housing and Community Development has prepared the 2002-2003 Action Plan that states goals and objectives for affordable housing, neighborhood development, neighborhood economic development and human services for the coming year; and

WHEREAS, after holding a public hearing to receive public comment, the Community Resource Board has recommended the 2002-2003 Housing and Community Development Plan to the City Council for consideration; and

WHEREAS, under Title 1 of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended, the Secretary of the Department of Housing and Urban Development is authorized to make Community Development Block Grants (CDBG) for the conduct of Community Development Programs; and

WHEREAS, it is desirable and in the public interest for the City of Greensboro to prepare and submit a One-year Action Plan for conducting Community Development activities in the City of Greensboro; and

WHEREAS, it is understood that acceptance of a Community Development Block Grant obligates the City of Greensboro to conduct and administer Community Development Program activities in accordance with the requirements of Title 1 of the Housing and Community Development Act of 1974, as amended, applicable Federal and State laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO;

1. That the 2002-2003 Housing and Community Development Plan is hereby approved as recommended by the Community Resource Board.
2. That the submission of a One-Year Action Plan for a Community Development Block Grant in the amount of \$2,696,000 is hereby authorized and approved.
3. That the conduct of Community Development Block Grant activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
4. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a Community Development Block Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
5. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
6. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local Community Development Program activities as referred to above; and (2) to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Thomas M. Phillips

.....

Councilmember Johnson moved adoption of the resolution authorizing the submission of a One-Year Action Plan for Housing Opportunities for Persons with Aids (HOPWA) Program Funds and the Conduct of HOPWA Program Activities for the 2002-2003 Fiscal Year. The motion was seconded by Councilmember Gatten; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

92-02 RESOLUTION AUTHORIZING THE SUBMISSION OF A ONE-YEAR ACTION PLAN FOR HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS (HOPWA) PROGRAM FUNDS AND THE CONDUCT OF HOPWA PROGRAM ACTIVITIES FOR THE 2002-2003 FISCAL YEAR

WHEREAS, the Secretary of the Department of Housing and Urban Development is authorized to make HOPWA Program grants for the conduct of HOPWA Programs; and

WHEREAS, representatives from the 8-county Greensboro/Winston-Salem Eligible Metropolitan Statistical Area (EMSA) have reviewed funding requests and approved a funding plan for FY 2002-03; and

WHEREAS, the City of Greensboro, as Qualifying City for the EMSA, is responsible for submitting all Federal applications and reports; and

WHEREAS, the City of Greensboro has prepared a One Year Action Plan for the 2002-2003 Fiscal Year that includes the HOPWA Program funds for the EMSA; and

WHEREAS, it is understood that acceptance of a HOPWA Program Grant obligates the City of Greensboro to conduct and administer HOPWA Program activities in accordance with the applicable Federal and State Laws, and implementing rules and regulations officially adopted by the Department of Housing and Urban Development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

1. That the submission of a consolidated application for the HOPWA Program funds for the EMSA in the amount of \$413,000 is hereby authorized and approved.
2. That the One Year Action Plan for the HOPWA Program is hereby approved.
3. That the conduct of HOPWA Program activities in whole or in part by the City of Greensboro and/or designees is hereby authorized and approved.
4. That the City of Greensboro is fully cognizant of the obligations, responsibilities, and requirements accompanying the acceptance of a HOPWA Grant and that it is the sense of this body that such obligations, responsibilities, and requirements will be fulfilled.
5. That the City Manager is designated as the official representative of the City of Greensboro, is authorized to submit the final statement, all understandings and assurances contained therein, and directed to act in connection with the submission of the final statement and to provide such additional information as may be required.
6. That the City Manager, as Chief Executive Officer, is authorized and consents on behalf of the City of Greensboro and himself (1) to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969, insofar as the provisions of such act apply to the administration and conduct of local HOPWA Program activities as referred to above; and (2) to accept the jurisdiction of the federal courts for the purpose of enforcement of his responsibilities as such an official.

(Signed) Yvonne J. Johnson

.....

Moving to the Consent Agenda, Councilmember Phillips moved adoption of the ordinances, resolutions and motion listed therein. The motion was seconded by Councilmember Carmany; the Consent Agenda was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins, and Phillips. Noes: None.

02-88 AN ORDINANCE OF THE CITY OF GREENSBORO, NORTH CAROLINA RELATING TO CHAPTER 7 OF THE GREENSBORO CODE OF ORDINANCES TITLED CABLE COMMUNICATIONS ORDINANCE, THE FRANCHISE AGREEMENT WITH CABLEVISION OF GREENSBORO, A DIVISION OF TIME WARNER ENTERTAINMENT COMPANY, L.P. A DELAWARE LIMITED PARTNERSHIP KNOWN AS TIME WARNER, TO AMEND THE FRANCHISE AGREEMENT TO EXTEND THE TERM OF THE FRANCHISE FOR A PERIOD OF

FIVE YEARS, ENDING ON THE 24TH DAY OF OCTOBER, 2009, RATHER THAN PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Greensboro renewed a non-exclusive Franchise to Cablevision of Greensboro, a division of Time Warner Entertainment Company, L.P. a Delaware Limited Partnership under an amended Chapter 7, titled the Cable Communications Ordinance, on 10-24-94; and

WHEREAS, a renewed Franchise Agreement was made and entered into on October, 24, 2002 which included a provision providing for the extension of the Franchise for five years from the end of the ten year term of the Franchise, conditioned upon Time Warner's substantial compliance with the material terms and conditions of the Franchise and Chapter 7 of the Ordinance over the term prior to City Council action in this matter; and

WHEREAS, Time Warner has provided the appropriate notice to the City and requested the five year extension of the Franchise;

WHEREAS, the City finds that Time Warner has provided a significant service to the community in providing a fiber optic institutional network for the City and supporting public, educational and government access and that the Time Warner has substantially complied with the material terms of Chapter 7 of the Ordinance and the Franchise Agreement; and

WHEREAS, the City hereby reserves all its rights related to franchise fees, fees for cable modem services, fees or rental for use of rights of way for non-cable related services, access requirements, and rate regulatory proceedings;

BE IT ORDAINED BY THE CITY OF GREENSBORO'S CITY COUNCIL:

Section 1. That the term of the Franchise Agreement between the City and Time Warner is hereby extended five years until October 24th 2009. All other provisions of the Franchise shall continue in full force and effect.

Section 2. This Ordinance shall not be construed to infer that the term of the franchise shall again be extended, or that Time Warner shall be approved as a franchisee of the City beyond the extended term of the current Franchise Agreement.

Section 3. The Franchise Agreement is extended upon the same terms and conditions as set forth therein.

Section 4. That the City reserves the right to: any franchise fees that may be found, through an audit, to be due to the City for prior years; fees for cable modem services; fees or rental for use of rights of way for non-cable related services; and take any action related to rate regulation processes in accordance with rules promulgated by the Federal Communications Commission; and to ensure the reasonable replacement of access equipment. This extension of term is not a waiver of any rights the City might have with reference to services provided, or use of rights of way, by Time Warner Entertainment Company.

Section 5. This Ordinance shall take effect immediately upon adoption.

(Signed) Thomas M. Phillips

.....

02-89 ORDINANCE AMENDING THE FEDERAL, STATE, AND OTHER GRANTS PROJECT FUND TO CONDUCT A DOMESTIC PREPAREDNESS EXERCISE IN RESPONSE TO TERRORIST EVENTS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Federal, State, and Other Grants Fund Budget of the City of Greensboro is hereby amended as follows:

That the appropriation to the Federal, State, and Other Grants Fund be increased as follows:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4057-01.5239	Miscellaneous	<u>\$9,200</u>

TOTAL:		\$9,200
--------	--	---------

And, that this increase be financed by increasing the following Federal, State, and Other Grants Fund account:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
220-4057-01.7110	State Grants	<u>\$9,200</u>

TOTAL:		\$9,200
--------	--	---------

(Signed) Thomas M. Phillips

.....

93-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2000-12 WITH J. R. LYNCH AND SON, INC. FOR ROADWAY IMPROVEMENTS ON NEW GARDEN ROAD

WHEREAS, Contract No. 2000-11 with J. R. Lynch and Son, Inc. provides for New Garden Road roadway improvements;

WHEREAS, plans for the widening of the ramp from east bound Bryan Boulevard to New Garden Road which tie into the construction scheduled to be completed this summer for one end of the project, have been completed and the addition of the ramp widening to the contract allows for the completion of all construction at the same time; thereby necessitating a change order in the contract in the amount of \$83,950.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with J. R. Lynch and Son, Inc. for the New Garden Road roadway improvements is hereby authorized at a total cost of \$83,950.00, payment of said additional amount to be made from Account No. 431-6002-46.6014 CBR .080.

(Signed) Thomas M. Phillips

.....

94-02 RESOLUTION APPROVING MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF GREENSBORO AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE 16TH STREET BRIDGE REPLACEMENT PROJECT

WHEREAS, on March 16, 1999, City Council adopted a resolution authorizing Municipal Bridge Agreement for the 16th Street Bridge over Norfolk Southern Railway Replacement and Rehabilitation Project with the North Carolina Department of Transportation;

WHEREAS, under the terms of the Agreement the City must develop and approve a "Memorandum of Agreement" with the North Carolina Department of Transportation and North Carolina State Historic Preservation Officer;

WHEREAS, this Memorandum of Agreement is necessary because of the project's effect on the 16th Street Bridge and the White Oak Cemetery – Cone Mausoleum both of which have been determined eligible for listing in the National Register;

WHEREAS, it is in the best interest of the City of Greensboro to approve the Memorandum of Agreement in accordance with the terms and conditions therein and such Memorandum is presented herewith this day.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Memorandum of Agreement with the North Carolina Department of Transportation and the North Carolina State Historic Preservation Officer is hereby approved.

(Signed) Thomas M. Phillips

.....

95-02 RESOLUTION AUTHORIZING CITY ATTORNEY TO INSTITUTE PROCEEDINGS TO CONDEMN PORTION OF THE PROPERTY OF MCKINNEY PROPERTIES, LLC, IN CONNECTION WITH THE RUCKER STREET IMPROVEMENTS PROJECT

WHEREAS, McKinney Properties, LLC are the owners of certain property located on Patterson Street, said property being as shown on the attached map;

WHEREAS, a portion of said property is required by the City in connection with the Project;

WHEREAS, negotiations with the owners at the appraised value of \$13,600.00 have been unsuccessful and said portion of property is necessary for said project;

WHEREAS, it is deemed necessary and in the best interest of the City that the City Attorney be authorized to institute civil proceedings to condemn said portion of property and that the Director of Finance be authorized to issue a draft to the Clerk of Superior Court as compensation to the owners in the amount of \$13,600.00;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That, pursuant to Chapter 40A of the North Carolina General Statutes, the City Attorney is hereby authorized to institute condemnation proceedings to acquire said portion of property, and the Director of Finance is hereby authorized to issue a draft in the amount of \$13,600.00 to the Clerk of Superior Court as compensation to the owners, payment to be made from Account No. 402-4531-01.6012 CBR 007.

(Signed) Thomas M. Phillips

.....

96-02 RESOLUTION AUTHORIZING INSTALLATION OF A SEWER LINE FROM THE EXISTING 18-INCH SEWER OUTFALL JUST WEST OF NORTH CAROLINA SCHOOL OF THE DEAF, APPROXIMATELY 1,300 FEET EAST TO GREEN'S SUPPER CLUB UNDER AGREEMENT BETWEEN CITY OF GREENSBORO AND GUILFORD COUNTY

WHEREAS, Guilford County has recently authorized the installation of an 8-inch sewer line from the existing 18-inch sewer outfall just west of North Carolina School of the Deaf, approximately 1,300 feet east of Green's Supper Club to serve Green's Supper Club, in accordance with the Consolidated Water and Sewer Agreement between the County and the City;

WHEREAS, the project will be privately financed by the owner;

WHEREAS, in the opinion of the City Council, the best interest of the City will be served by the construction of the 8-inch sewer line in accordance with said agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the construction of the above mentioned 8-inch sewer line in accordance with the agreement between the City of Greensboro and Guilford County is hereby authorized; provided that there shall be no assessments levied.

(Signed) Thomas M. Phillips

.....

97-02 RESOLUTION AUTHORIZING ENCROACHMENT AGREEMENT WITH LANDS END HOMEOWNERS ASSOCIATION TO PERMIT INSTALLATION OF AN IRON GRATE AT THE STURBRIDGE LANE BRIDGE OVER AN EXISTING STORM WATER DRAINAGE EASEMENT

WHEREAS, Lands End Homeowners Association has requested that the City permit the proposed installation at an iron grate at Sturbridge Lane Bridge over an existing storm water drainage easement located under Sturbridge Lane and continuing into Buffalo Lake;

WHEREAS, Lands End Homeowners Association has agreed to enter into an Agreement with the City of Greensboro which, among other things, will indemnify the City from any claim or damages that may occur due to the iron grate being located under the Sturbridge Lane Bridge;

WHEREAS, it is deemed in the best interest of the City to permit the encroachment of said iron grate in accordance with the terms and conditions of an Agreement presented herewith this day:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro an appropriate encroachment Agreement with Lands End Homeowners Association, to permit installation of an iron grate located at the Sturbridge Lane Bridge to be built over an existing storm water drainage easement all in accordance with the terms and conditions set out therein.

(Signed) Thomas M. Phillips

.....

98-02 RESOLUTION AUTHORIZING THE FILING AND EXECUTION, AS APPROPRIATE OF U.S. ENVIRONMENTAL PROTECTION AGENCY GRANT APPLICATIONS, GRANT AGREEMENTS, ASSURANCES, CERTIFICATIONS AND OTHER SUCH DOCUMENTS AS APPROPRIATE PURSUANT TO THE RELEVANT SECTIONS OF GRANT APPLICATION

WHEREAS, the U.S. Environmental Protection Agency provides Federal funds to help make drinking water and wastewater systems as safe as possible;

WHEREAS, the purpose of the Water Infrastructure Security funds are to provide grant monies to large (serving 100,000 people or more) publicly-owned drinking water utilities to reduce the vulnerability of water utilities to terrorist attacks and to enhance their security systems and ability to respond to emergency situations;

WHEREAS, it is required by the U.S Environmental Protection Agency, that in connection in filing of an application for assistance, the City of Greensboro, as applicant, gives assurance that it will comply with sections of Assurances and Certifications and all administrative requirements which relate to the application and grants received; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF GREENSBORO:

1. That the City of Greensboro is authorized to file and execute U.S. Environmental Protection Agency Grant Agreements, Assurances & Certifications and other such documents as appropriate, on behalf of the City of Greensboro.
2. That the City of Greensboro is authorized to furnish such additional information as the U.S. Environmental Protection Agency require in connection with such Grant Agreements, Assurances & Certifications and other such documents as appropriate.
3. That the City Manager of the City of Greensboro, J. Edward Kitchen, or his designee, is authorized to execute grant agreements on behalf of the City of Greensboro with the U.S. Environmental Protection Agency to aid in U.S. Environmental Protection Agency Grant Agreements, Assurances & Certifications and other such documents as appropriate.

(Signed) Thomas M. Phillips

.....

99-02 RESOLUTION APPROVING APPRAISAL AND AUTHORIZING PURCHASE OF PROPERTY OF HOWARD AND PATRICIA BRITTAIN FOR THE NORWALK STREET IMPROVEMENTS

WHEREAS, in connection with the Norwalk Street improvements project, the property owned by Howard and Patricia Brittain, Tax Map Nos. 456-2-3 and 456-2-4 is required by the City for said Project, said property being shown on the attached map;

WHEREAS, the required property has been appraised at a value of \$38,100.00, which appraisal, in the opinion of the City Council, is fair and reasonable;

WHEREAS, the owner has agreed to convey said property to the City at the appraised price and it is deemed in the best interest of the City to acquire said property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the appraisal of the above mentioned portion of property in the amount of \$38,100.00 is hereby approved, and the purchase of the property in accordance with the appraisal is hereby authorized, payment to be made from Account No. 402-4531-01.6012 CBR 007.

(Signed) Thomas M. Phillips

.....

100-02 RESOLUTION AUTHORIZING CHANGE ORDER IN CONTRACT NO. 2001-27 WITH YATES CONSTRUCTION COMPANY FOR THE ROADWAY, WATER AND SEWER IMPROVEMENTS PROJECT

WHEREAS, Contract No. 2001-27 with Yates Construction Company provides for roadway, water and sewer improvements;

WHEREAS, due to special conditions of the Contract, there is a 50% extension clause to allow for the addition of projects as needed, thereby necessitating a change order in the contract in the amount of \$250,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That a change order in the above-mentioned contract with Yates Construction Company for roadway, water and sewer improvements is hereby authorized at a total cost of \$250,000.00, payment of said additional amount to be made from Account No. 401-6001-01.6014 CBR .003.

(Signed) Thomas M. Phillips

.....

101-02 RESOLUTION APPROVING BID AND AUTHORIZING EXECUTION OF CONTRACT NO. 2002-20 WITH ASSOCIATED INDUSTRIAL SERVICES FOR THE HUGH MEDFORD CITY SERVICES AND OPERATIONS CENTER, PHASE 1 SOUTH PARKING LOT DEMOLITION AND ABATEMENT

WHEREAS, after due notice, bids have been received for the Hugh Medford City Services and Operations Center, Phase 1 South Parking Lot Demolition and Abatement project;

WHEREAS, Associated Industrial Services, a responsible bidder, has submitted the low base and alternate bid in the total amount of \$176,700.00 as general contractor for Contract No. 2002-20, however the company failed to comply with the good faith provisions under the City's MWBE program resulting in a 2.5% sanction, bringing the contract award amount to \$172,282.50, which award amount, in the opinion of the City Council, is the best bid from the standpoint of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

That the contract award amount hereinabove mentioned submitted by Associated Industrial Services is hereby accepted, and the Mayor and City Clerk are hereby authorized to execute on behalf of the City of Greensboro a proper contract to carry the proposal into effect, payment to be made from Account No. 436-2533-01.6013 CBR 001.

(Signed) Thomas M. Phillips

(A copy of the tabulation of bids for the Hugh Medford City Services and Operations Center, Phase 1 South Parking Lot Demolition and Abatement is filed with the above resolution and is hereby referred to and made a part of these minutes.)

.....

Motion to approve minutes of regular meetings of April 2 and April 16, 2002 was unanimously adopted by Council.

.....

After the Manager offered two addendum items for Council's consideration, the Mayor introduced a Resolution requesting that Municipal Revenue sources be made secure. After a brief explanation by the Manager and comments by the Mayor, Councilmember Carmany moved adoption of the resolution. The motion was seconded by Councilmember Burroughs-White; the resolution was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Phillips. Noes: None.

102-02 RESOLUTION REQUESTING THAT MUNICIPAL REVENUE SOURCES BE MADE SECURE

WHEREAS, the City of Greensboro is required by North Carolina law to operate and maintain a balanced budget and comply with the provisions of the Local Government budget and Fiscal Control Act;

WHEREAS, the City of Greensboro is required to maintain a sufficient fund balance to operate in a fiscally sound manner and to have adequate reserves in case of emergencies;

WHEREAS, the municipal officials of the City of Greensboro have a responsibility to provide for the health, safety and well being of the citizens of this community by providing necessary services;

WHEREAS, the ability of municipal governments to borrow for capital infrastructure needs is dependent on reliable revenue sources for repayment;

WHEREAS, adequate municipal revenue sources are required to carry out the above mentioned responsibilities.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

THAT the City Council of the City of Greensboro respectfully requests that General Assembly enact legislation that will secure the municipal revenue sources and ensure that these revenues are distributed to local governments on a timely basis as set forth by the state's General Statutes.

(Signed) Sandy Carmany

.....

After Mayor Holliday introduced an ordinance amending Chapter 2 of the Greensboro Code of Ordinances with respect to Administration, Councilmember Burroughs-White moved adoption of the ordinance. The motion was seconded by Councilmember Johnson; the ordinance was adopted on the following roll call vote: Ayes: Burroughs-White, Carmany, Gatten, Holliday, Jessup, Johnson, Perkins and Phillips. Noes: None.

02-90 AMENDING CHAPTER 2

AN ORDINANCE AMENDING CHAPTER 2 OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ADMINISTRATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Section 2-16 of the Greensboro Code of Ordinances is hereby amended by setting a special meeting of the City Council to 6:00 p.m. on June 13, 2002 for the purpose of conducting a District 2 Council meeting to be held at the Smith Senior Recreation Center, 2401 Fairview Street.

Section 2. That this ordinance is effective immediately upon adoption.

Section 3. That all laws and clauses of laws in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

(Signed) Claudette Burroughs-White

.....

Ruth Rideout, residing at 22 Brookway Drive, and Gabriel Person, spoke to the work of *Faith Matters*, read a support statement from an individual who had benefited from the program, and asked for Council's support of the CRB's recommended funding.

.....

The Mayor declared a recess at 8:00 p.m.

The meeting reconvened at 8:09 p.m. with all members of Council present except Councilmember Vaughan who was excused earlier in the meeting.

.....

Councilmember Burroughs-White stated that she and Councilmember Perkins had worked with *One Step Further, Inc.* and spoke to the needs of Guilford County communities that were addressed by this organization. Speaking to State of North Carolina funding cuts, she requested that Council consider a Resolution in support of continued funding for the sentencing alternatives center of *One Step Further, Inc.* in Judicial District Eighteen. Councilmember Perkins read a portion of the proposed resolution into the minutes, spoke to the important service this agency provided to the community and emphasized the cost savings involved with sentencing alternatives.

Members of Council discussed individual opinions and concerns with respect to the proposal with some members offering support for the resolution; other members commented that the State of North Carolina should decide which agencies the State would fund, questioned the timing of the request, and stated that the adoption of this resolution could set a precedent for requests that Council support other equally-deserving agencies.

Councilmember Johnson requested that she be excused from voting on this resolution. Councilmember Perkins moved that Councilmember Johnson be permitted to abstain from voting on this matter. The motion was seconded by Councilmember Burroughs-White and adopted by voice vote of Council.

After additional discussion, Councilmember Gatten moved that this resolution be postponed to the June 18 meeting of Council. The motion was seconded by Councilmember Phillips and adopted by voice vote of Council.

.....

Council mentioned various meeting, events, workshops, community activities and Randleman Dam construction activity.

.....

Councilmember Jessup moved that Marietta Gaines be appointed to fill the unexpired portion of term of Alfreda McCauley on the Commission on the Status of Women; this term will expire 15 August 04. The motion was seconded by Councilmember Carmany and adopted unanimously by voice vote of Council.

.....

After brief discussion, Council scheduled two Budget work sessions on Thursday, May 30, and Monday, June 3, 2002, with both sessions beginning at 12:00 noon in the Plaza Level Conference Room of the Melvin Municipal Office Building.

.....

Councilmember Carmany moved that the City Council adjourn. The motion was seconded by Councilmember Phillips and adopted unanimously by voice vote of the Council.

THE CITY COUNCIL ADJOURNED AT 9:46 P.M.

KEITH A. HOLLIDAY
MAYOR

JUANITA F. COOPER
CITY CLERK
